

you are an expert photographer? A. Solomon says: "Let an expert phrase these, and not think of him up."

Q. What has Solomon to do with your case? A. He is the witness I know of myself.

Judge Nelson—[To the witness.] The question is whether you consider yourself an expert photographer.

The Witness—Well, Sir, I shall have to answer yes, but it is under compulsion.

Judge Nelson—Certainly.

Mr. Evans—That will stand, and that is an answer to my question. [To the witness.] Now, during the period of the conferences and consultations, reading and hearing papers, you have been spoken of in your own direct testimony, in which you, Mr. Beecher, or you, Mr. Beecher and Mr. Moulton took part, were in the habit of making photographic copies of all papers that were in Mr. Moulton's hands, that came to your notice or knowledge? A. No, Sir; I made some notes of some which I thought important; not a great many.

Q. Did you not habitually and systematically take photographic copies of all papers that came to your notice during those conferences and consultations?

Mr. Moulton—That is the same question right over again, precisely.

The Witness—[To Mr. Evans.] Oh, no, Sir.

Mr. Fullerton—I am willing to believe that; but once is enough.

Mr. Evans—[To the witness.] You did not? A. No, Sir; I did not; I made notes of very few of them; not one-twentieth part of the whole papers. That is a rough guess.

Q. Now you state that you did take copies? A. Well, Sir, if you will bring me my last statement I can point out to you those which I made copies of.

Judge Nelson—He wants your present recollection.

Mr. Beech—I will probably be refreshed by his statement.

Mr. Evans—I have nothing to do with refreshing his recollection.

Mr. Beech—[To the witness.] Then you are not bound to refresh your memory; let it be.

Mr. Evans—[To the witness.] I will take your answer: can you state those of which you did make copies in the way that I have inquired of? A. If you will pass the papers under review before my eye, I can tell you every one; but I cannot evoke them out of the pile and make them stand before my memory.

Q. Your memory regarding the transactions as they occurred, and the papers as they arose in these transactions, does not enable you to remember any paper that you copied? A. Oh, yes, Sir.

Q. Now, will you give me those? A. I am simply saying I should not like to recite here from memory, under oath, all the papers that I copied.

Q. I asked you to name those that you did. A. You asked me to name all; now you ask me to name one.

Judge Nelson—[To the witness.] Name those that you did copy.

Mr. Evans—Name all that you remember? A. I made a copy of Mr. Beecher's letter of January 1st, 1871, called the letter of contrition.

Q. When did you do that? A. On the same evening when I saw it.

Q. Now, go on with any others. A. I made a copy of the letter of the 7th of February, which Mr. Beecher sent to Mr. Tilton through my hands; also a copy of Mr. Beecher's letter of the 7th of February.

Q. And at the time, I suppose? A. At that time, which I borrowed to show to Mr. Tilton, I made both of those; I remember that.

Q. That is the letter to Mr. Moulton of the 7th of February? A. Yes, Sir.

A. And those you made at the time? A. Yes, Sir.

Q. The copies you made at the time? A. I made copies of my own letters.

Q. You kept copies of your own letters, or made copies of them? A. Yes, Sir; for instance, my letter to Mr. Bowen of January 1st, 1871, and for instance, my own letters. My impression is that of all the many letters outside of those which Mr. Beecher sent to Mr. Moulton—forty or fifty, as they are not? I don't know. That I made a copy of a fragment of two, namely, part of the letter of June 1st, 1873, and part, or two parts, of Mr. Beecher's letter dated February something, 1872.

Mr. Morris—February 23d.

The Witness—The "ragged edge letter," as it is called.

Mr. Morris—Yes, February 23d.

The Witness—Just at this moment I don't remember having any other copy, still I understand on it.

Mr. Evans—Well, Sir, I understand that. This is your present recollection? A. Yes, Sir.

Q. Now, are you quite certain that you did not copy the whole of those two last named letters—that of June 1st and that of February 23d? A. I am quite sure.

Q. "Certain," was my question? A. Yes, Sir; no, I only had parts. That letter of February 23d, 1872—is that the "ragged edge letter?"

Q. Yes, Sir. A. Yes, Sir, I had a copy of fragments of that, and afterwards made the error in my sworn statement of supposing they were extracted from two different letters.

Q. Now, that is the basis of your present recollection as to your making copies of papers as they passed along? A. Well, Sir, if you would give me all the papers, all the letters in the case, that I may take them up one by one, I think then I can tell you whether I copied this or didn't copy that.

Q. But, without that aid, this is all you can now remember?

Q. And, as I understand you, you are quite certain that, as a general thing, you did not copy them? A. Oh, of a general thing I did not, Sir; I copied very little—very few. There was a multitudinous correspondence of four years, of which I copied a very small portion; indeed, I saw a very small portion of it.

Q. Now, did you, on this examination before the Committee, in answer to a question, make the answer which I will read? Q. "You produce a copy?" "A. I do not know, and I am sorry I cannot tell you. I have a mass of photographic notes. Whenever these letters came, whenever there was anything in them that Frank wanted me to see, he would read them to me. Whenever Mr. Beecher said anything that he thought, being read to me would gratify my feelings and conduce to a compromise of peace between us, speaking of the kindness with which I had treated him, or of the difficulties, Frank read them to me, and as I wrote shorthand, I always took a copy of them; very rarely. I did not say "always," I said "sometimes," did I not?"

Q. You think that, in your answer, you used the word "sometimes" instead of "always"? A. Well, I don't know what I said in my answer other than that is there. I know exactly that a little handful of notes—

Q. My only question is whether you were asked that question, and whether you made that answer to it? A. It is utterly impossible that I should have said "always," because I did not always make them; I very rarely made them.

Q. That is a question of memory, whether a man may say a thing he didn't do. My question is whether you did, or not? A. Well, Sir, I don't remember either the question or the fact, telling you the fact.

Q. That I did not inquire about; I have got through with that. Now, will you tell us what system of photography it was that you practiced? There are systems of various names, are there not various styles? A. Well, Sir, when I learned photography it was called Platinotype. I don't know that it has been called since. My friend, Mr. Minson, has introduced some improvements, and I believe the new system bears his name. Photography is distinct from stenography.

Q. You practiced photography? A. Yes, Sir.

Q. And it was Platinotype? When was it you learned it? A. Oh, when I was quite a boy.

Q. After you had left the Academy? A. Oh, no, Sir; long before I left the Academy.

Q. Before you left the Academy? A. When I was a boy at a public school.

NO LETTERS DESTROYED BY MR. TILTON.

Q. Now, Sir, have you at any time destroyed any of Mr. Beecher's letters that passed or came to your notice during these transactions? A. What is that, Sir?

Q. Have you at any time destroyed any of Mr. Beecher's letters that passed in these transactions, or came to your notice at any time? A. I never had any of Mr. Beecher's letters. Mr. Beecher never wrote me any letters. I don't understand what you refer to.

Q. Well, I will have to repeat my question. Have you at any time destroyed any letters or papers from Mr. Beecher, that came in any of these transactions, conferences or consultations, or came to your notice during the period between the 23d of December, 1870, and the present time? A. No, Sir.

Q. Very well. A. I never had any to destroy.

Judge Nelson—That is not necessary to the answer. Say "No," that answers it.

The Witness—Yes, Sir.

Q. Have you destroyed any papers or letters of Mr. Moulton? A. No, Sir; not one.

Q. That arose in the same way and during the same period? A. No, Sir.

Q. Or any of your own, either to Mr. Beecher or to Mr. Moulton, or that was used or shown to either of them during the progress of this—of these consultations between you? A. No, Sir; none whatever. May I please your Honor, I think perhaps that never ought to be mentioned to this extent. Mr. Moulton is in the habit very frequently of writing me two or three little lines, saying, "Dear Theodore, come around and join me at supper"—something of that sort. I never kept any such notes as those.

Judge Nelson—You have a right to qualify it.

Mr. Evans—Oh! Of course.

The Witness—I don't quite understand the purport of your question, Mr. Evans.

Mr. Evans—You understand the meaning of it now? A. Yes, Sir.

Q. You don't understand the objects you mean? A. No, Sir.

Q. Well, I don't intend to tell you. A. Well, how can you expect me to give you a proper answer?

Mr. Evans—Well, I don't know.

Mr. Beech—I think the object is very apparent.

Mr. Evans—Well, the witness says it is not to him.

Mr. Beech—He attributes that to your mystery, which I do not.

Mr. Evans—I haven't any mystery about it, not the least.

The Witness—I have just said under oath that I have not destroyed any of Mr. Moulton's letters in the last four years. I presume I have destroyed many little notes.

Mr. Evans—Well, you may have any qualification, of course. Judge Nelson—Well, you have never destroyed any notes or letters except little ones? A. Yes, Sir; I have destroyed no important paper.

Mr. Evans—My inquiry was substantially, of course, confined to papers that had arisen and been the subject of consideration? A. Yes, Well, I wish to make my answer consistent with my oath.

BESSIE TURNER'S LETTERS.

Mr. Evans—Of course it is entirely proper. Do you remember, Mr. Tilton, that very soon after the 1st of January, 1871, an inmate of your house, Miss Besie Turner, as she has been called, left it and went to the West? West, but—

Q. Well, that is all that is asked. A. You spoke of her as an inmate of my house, which leads me to say that notwithstanding the fact that I answered you a day or two ago that she had resided there until 1871, I find, on reflection, that previous to that time she had gone to a public institution of some sort, I don't know exactly what, and had not resided in the family of Mr. David Dow, of New York. I think those circumstances had faded from my mind when I answered. In other words, she had not been living in my house—

Q. Continuously? A. Continuously. I don't think she was there during the year 1870 at all.

Mr. Evans—The absence. Can you state the year during which either or both of the absences occurred? A. No, Sir; I cannot.

Q. Very well. A. Yes.

Q. Was it near this time of 1870? A. My present impression is that possibly, in 1868 and '69, she was away, either at that institution or at Mr. Dow's family, and then she went away to the West and was there when Mrs. Tilton was West, and returned with Mrs. Tilton from the West. That is the best recollection I have.

Q. That is, during that year 1870? A. Yes, Sir.

Q. So that your idea, so far as you have it in your memory, is that that year, 1870, was the time of those absences? A. Either that year or the year preceding, but I cannot speak definitely.

Mr. Beech—I understood him to say that his impression was that she was not there during 1870.

Mr. Evans—I say, those absences occurred during the year 1870.

The Witness—A. Yes, Sir; my impression is, she did not reside at my house during the year 1870 nor 1871. That is my impression.

Q. Both years? A. Yes, Sir; that is my recollection?

Q. Then substantially both those years she could not be considered a member of your family? A. Yes, Sir; still I may be wrong about it.

Q. Very well, I don't know how that is; I want to get it straight before we start.

Mr. Beech [To Mr. Fullerton.] He has just started. [To the witness.] Mr. Evans—Yes, on this I have just started. [To the witness.] Now, before she went to the West she wrote, did she not, two letters? A. What is that, Sir?

Q. Before she went to the West, in January, 1871, or after January, 1871, she wrote two letters, did she not, which have been given in evidence here? A. Yes, Sir; I presume they are hers. I didn't see her write them. Her name is signed to them.

Q. You know what letters I refer to? A. Yes, Sir.

Q. They are in evidence here? A. Yes, Sir.

Q. And you have them in your mind sufficiently to be a basis—

A. Yes, Sir.

Mr. Evans—[To the Court.] I am reminded, Sir, by my associate and my opponent together, that it is one o'clock. Examination before the recess?

Judge Nelson—Wouldn't it be convenient to "close your cross" any other copy, still I understand on it.

Mr. Evans—Well, Sir, I understand that. This is your present recollection? A. Yes, Sir.

Q. Now, are you quite certain that you did not copy the whole of those two last named letters—that of June 1st and that of February 23d? A. I am quite sure.

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apology? A. Mr. Beecher always characterized it as my letter through Mr. Moulton—that was his word; there was never any characterization put upon it until I characterized it in the Bacon letter as an apology.

Q. As an apology. Then, up to the time of this trial, so far as any characterization by you was concerned, it had not been called an apology? A. No, Sir; I don't think that any characterization was given to it until certainly not by me—until the narrative which I designed to publish in the Fall or Winter of 1872. I think there I characterized it as an apology.

Q. I don't ask anything about the contents of any paper. So far as you know, in any reference to it by descriptive titles, it had been called by you an apology up to the time of this trial?

A. Well, it had been called in various ways. It depended on the person that spoke to it. I don't think twice referred to Mr. Beecher in connection with it. I don't think twice referred to Mr. Beecher in connection with it. I don't think twice referred to Mr. Beecher in connection with it.

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